

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JOEL B. MONTGOMERY, et al.,

Plaintiffs,

:

Case No. 3:07-cv-470

-vs-

Magistrate Judge Michael R. Merz

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MARY L. SANDERS, et al.,

Defendants.

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**DECISION AND ORDER DENYING PLAINTIFFS' MOTION FOR  
ATTORNEY FEES AND COSTS**

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This case is before the Court on Plaintiffs' Motion for Attorney Fees and Costs (Doc. No. 137).

On the basis of the arguments made by the Federal Defendants in their Memorandum in Opposition (Doc. No. 146) and their Supplemental Memorandum in Opposition (Doc. No. 153) and in light of the Court's having granted the Federal Defendants' Motion for Reconsideration (Doc. No. 139), the Court finds that the Defendants' opposition to the discovery ordered in the Court's Decision and Order of December 7, 2011 (Doc. No. 132), was substantially justified.

Therefore the Motion for Attorney Fees and Costs is DENIED.

March 19, 2013.

s/ *Michael R. Merz*  
United States Magistrate Judge